

Appl. No. 10/663,048  
Amendment dated: July 20, 2005  
Reply to OA of: June 28, 2005

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1(original). A DNA vaccine containing tumor-associated gene and cytokine gene made by incorporating into a vector having a suitable promoter or translation regulatory sequence at least:

a fragment of tumor-associated gene; and  
a fragment of cytokine gene.

2(original). The DNA vaccine according to claim 1, wherein said suitable promoter is a mammalian expression promoter.

3(original). The DNA vaccine according to claim 2, wherein said promoter comprises CMV, PSV or LTR.

4(original). The DNA vaccine according to claim 1, wherein said translation regulatory sequence is an IRES segment.

5(original). The DNA vaccine according to claim 1, wherein the expression of said tumor-associated gene and cytokine gene are activated by one or more promoters.

6(original). The DNA vaccine according to claim 1, wherein said tumor-associated gene comprises an oncogene.

7(original). The DNA vaccine according to claim 6, wherein said oncogene comprises neu, met or ras oncogenes.

Appl. No. 10/663,048  
Amendment dated: July 20, 2005  
Reply to OA of: June 28, 2005

8(original). The DNA vaccine according to claim 1, wherein said tumor-associated gene comprises a complete or truncated gene segment.

9(original). The DNA vaccine according to claim 1, wherein said tumor-associated gene comprises a truncated segment of N neu gene encoding extracellular domain of neu protein.

10(original). The DNA vaccine according to claim 1, wherein said cytokine gene comprises Interleukin (IL)-2, Interleukin (IL)-4 or GM-CSF gene.

11(original). The DNA vaccine according to claim 1, wherein said cytokine gene comprises the mature gene segment of Interleukin-2.

12(original). The DNA vaccine according to claim 1, wherein the genes contained in are arranged in an order that the tumor-associated gene is in front or behind the cytokine gene.

13(original). The DNA vaccine according to claim 1, wherein said tumor-associated gene and cytokine gene are constructed into a fusion gene controlled by the same promoter.

14(original). The DNA vaccine according to claim 1, wherein said tumor-associated gene and cytokine gene are constructed in such a way that they are two independent genes controlled respectively by two independent promoters.

15(original). The DNA vaccine according to claim 1, wherein said tumor-associated gene and cytokine gene are constructed in such a way that they are two independent genes regulated respectively by said promoter and said IRES segment.

Appl. No. 10/663,048  
Amendment dated: July 20, 2005  
Reply to OA of: June 28, 2005

16(original). The DNA vaccine according to claim 1, wherein it is a DNA vaccine containing N neu-IL-2 fusion gene controlled by a CMV promoter.

17(original). The DNA vaccine according to claim 1, wherein said DNA vaccine is carried by retroviral vector, adenoviral vector, adeno-associated viral vector, or liposome, or said DNA vaccine is administered directly in the form of DNA.

18(original). The DNA vaccine according to claim 1, wherein it is administered by way of subcutaneous injection, intramuscular injection, oral administration, spraying or gene gun injection.

Claims 19-36(canceled).